GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Public Services-Transport Department-Surprise Check conducted by the ACB on the O/o Deputy Transport Commissioner, Chittoor on 29.10.2007 on the allegations of corrupt practices-Disciplinary Action initiated against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor and six(6) other officials of O/o Dy.Tr.Commr., Chittoor- Case Entrusted to Commissioner Of Inquiries(COI-P) for Detailed Enquiry-Enquiry Conducted-Enquiry Report submitted- Imposition of Punishment of Withholding of One(1) Annual Grade Increment Without Cumulative Effect against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor, and presently Regional Transport Officer, Proddatur- Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.RT.No. 171 **Dated: 31-03-2016**

Read the following:

1)From the Director-General, Anti-Corruption Bureau, A.P., Hyderabad, Letter No.79/DES-TCT/2007, Dated:01.04.2008.
2)Govt.Memo No.5434/Vig.III/A2/2008-1, Dated:02.01.2009.
3)Charge Memo No.7904/V3/2007-2, Dated:07.02.2009 of Transport Commissioner, A.P., Hyderabad.
4)From Sri D.S.Abdul Rawoof, Administrative Officer, O/o Deputy Transport Commissioner, Kurnool, Written Statement of Defence Dated:15.12.2009.
5)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:16.04.2011.
6)G.O.Rt.No.650, T,R&B(Vig.III.2)Deptt., Dated:27.06.2012.
7)From General Administration(COI.P)Department, D.O.Letter No. 210/COI.P/2012-7, Dated:13.02.2014.
8)Govt.Memo No.5434/Vig.Tr./A2/2008-10, Dated:31.12.2014.
9)From the Transport Commissioner, A.P., Hyderabad, Letter No. 7904/V3/2007, Dated:06.07.2015.

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ORDER:

In the reference first read above, the Director-General, Anti-Corruption Bureau, A.P., Hyderabad submitted his Surprise Check Report, stating that a Surprise Check was conducted by the Bureau on 29.10.2007 on the Office of Deputy Transport Commissioner, Chittoor which revealed that the Officers and staff of the said Office are committing irregularities by employing unauthorized Private Persons as Agents while discharging their official duties and thereby indulging in corruption and has, therefore, recommended Departmental Action for Major Penalty against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor and six others of the O/o Dy.Tr.Commr., Chittoor.

Government, after careful examination of the matter, have requested the Transport Commissioner, A.P., in the reference second read above, to initiate Disciplinary Proceedings against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor, for certain irregularities committed by him. In pursuance of the above Instructions issued by the Government, the Transport Commissioner, A.P., Hyderabad has initiated Disciplinary Proceedings against Sri D.S.Abdul Rawoof, the then Regional Transport Officer, O/o Deputy Transport Commissioner, Chittoor by framing articles of charges in the reference third read above.

In the reference fourth above, Sri D.S.Abdul Rawoof, Administrative Officer, O/o Deputy Transport Commissioner, Kurnool, submitted his Written Statement of Defence, denying the charges and requesting to drop further action. In the reference fifth read above, the Transport Commissioner, A.P., has requested the Government to entrust the case to the Commissionerate Of Inquiries for conducting Departmental Enquiry under Common Proceedings, since there are limited number of Officers above the rank of Deputy Transport Commissioner and large number of Enquiries are pending with them.

In the G.O. sixth read above, orders were issued appointing Dr.Prem Chand, IAS(Retd.), Commissioner of Inquiries, General Administration Department as Inquiring Authority to conduct Detailed Inquiry into the charges framed against Sri D.S.Abdul Rawoof, the then Administrative Officer,

O/o Deputy Transport Commissioner, Chittoor and six(6) other Officers and staff of O/o Dy.Tr.Commr., Chittoor.

In the reference seventh read above, the Inquiring Authority submitted his Enquiry Report, holding the charges against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor as PROVED.

In the reference eighth read above, a copy of the Enquiry Report was communicated to the Charged Officer, Sri D.S.Abdul Rawoof, Regional Transport Officer, Proddatur, for his Further Representation, if any.

Sri D.S.Abdul Rawoof, Regional Transport Officer, Proddatur, submitted his Further Representation Dated:08.05.2015 received through the reference ninth read above, wherein, at the outset while denying the charges in toto, he has represented that, perusal of the Report of the Learned Inquiry Authority revealed that the Learned Inquiry Authority held the charges framed against him as Proved; that, regarding the Enquiry Officer's observation that "If he was not competent to isuue Orders, he should have requested the DTC, to issue such Orders, which he never did. Hence charge is maintainable", he submitted that several times he reported the matter to the Deputy Transport Commissioner and due to not having sufficient staff, separate Attender/Transport Constable was not posted, particularly at the Entrance Gate; he once again submitted that, during the course of Enquiry, it was brought to the notice of the Inquiry Officer by the Defence Counsel by producing a copy of G.O.Rt.No.727, T,R&B (VIG.III.2)Deptt., Dated:28.07.2010, which clarifies that as per the Instructions issued in the said Circular, the responsibility of strict compliance thereof, i.e., keeping an Attender/Transport Constable at the entrance of the Office, lies on the Head Of the Office and that the Administrative Officer, being not the Head Of the Office, is not responsible to act in the matter; that based on the Report submitted by the then Transport Commissioner in the matter, in an identical case, the similar charge framed against an Administrative Officer was dropped since the charge framed against him and very scope of the Instructions do not have legs to stand against him; that the Hon'ble Inquiry Officer admitted and accepted the said G.O., that in view of the Clarification the said charge is not liable to be sustained and further action on the charge needs to be dropped., he has requested that the same stand may be taken in my case also being the similar charge and further action may be dropped; that the Findings of the Learned Inquiry Authority in respect of charge is liable to be rejected., he has prayed that his above submissions may kindly be considered sympathetically, that the Report of the Learned Inquiry Authority that the charge held as Proved may be rejected and to drop all further action against him.

Government have examined the entire issue carefully and have observed that "the contentions raised by the Charged Officer were already examined by the Inquiring Authority. The presence of the Agents is indirectly admitted by the Charged Officers 1 to 3. Every Charged Officer is passing responsibility onto the other Officer. For the said reason, the Inquiring Authority held that the charges against the Charged Officers 1 to 3 as PROVED. The contention of the Charged Officer that he is not the District Level Officer and that the District Officer, i.e., Deputy Transport Commissioner, would be responsible to restrict the entry of Private Persons into the O/o Deputy Transport Commissioner, and that he cannot be held responsible for the possession of cash with the staff members, is not tenable. Administrative Officer, as the Third Level Officer in the Deputy Transport Commissioner's Office and as the Head of the Section, will have to supervise the Office Administration, besides exercising strict control over the subordinate staff working under him not to indulge in such corrupt practices inside the Office. As per the Instructions in Cir.Memo No.6/14301/C2/2005, Dated:25.02.2006 of the Transport Commissioner, A.P., the Administrative Officer shall ensure that the Private Persons and erstwhile Agents should not enter in the Office and he has to keep an Attender/ Transport Constable at the entrance of the Office". Therefore, Government have decided to accept the Finding of the Inquiring Authority, COI.P., in respect of Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor, keeping in view of the Instructions issued by the Transport Commissioner, A.P., vide Cir.Memo.No. 6/14301/C2/05, Dated: 25.02.2006, and to inflict the punishment of Withholding of One Annual Grade Increment Without Cumulative Effect against the above named Charged Officer for his supervisory lapse.

Accordingly, Government hereby impose the penalty of Withholding of One Annual Grade Increment Without Cumulative Effect against Sri D.S.Abdul Rawoof, the then Administrative Officer, O/o Deputy Transport Commissioner, Chittoor, and presently Regional Transport Officer, Proddatur.

The Transport Commissioner, Andhra Pradesh, Hyderabad shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri D.S.Abdul Rawoof, Regional Transport Officer, Proddatur **THROUGH** the Transport Commissioner, A.P., Hyderabad.
The Transport Commissioner, A.P., Hyderabad.
Copy to:
1)The Director-General, Anti-Corruption Bureau, A.P., Hyderabad.
2)The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Hyderabad.
3)The General Administration(COI.P)Department, for information.
4)SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER